



**MILPITAS CITY COUNCIL MEETING AGENDA
DECEMBER 6, 2005**

**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

I. ROLL CALL (6:00 p.m.)

II. ADJOURN TO CLOSED SESSION

**CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING
(Pursuant to California Government Code Section 54957.6)**

City Negotiators: Art Hartinger, Ed Kreisberg, Carmen Valdez

Employee Organizations: Milpitas Police Officers Association (MPOA), International Association of Firefighters (IAFF), Protech

Under Negotiation: Wages, Hours, Benefits, Working Conditions

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to California Government Code Section 54956.8)**

Property: 110 Meadowland Dr., Milpitas, California

Agency Negotiators: City of Milpitas (Steve Mattas). Negotiating Party: Williamson /Wilson

Under negotiation: Terms and Conditions for Disposition of property

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to California Government Code Section 54956.9(a))**

City of Milpitas v. Turner Construction et al., Santa Clara County Superior Court Case No. 103CV815946 Consolidated with Case No. 103CV008400

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to California Government Code Section 54956.9(a))**

City of Milpitas v. City of San Jose, Case No. CV046013, Santa Clara County Superior Court

III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Govt. Code Section 54957.1, including the vote on abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. INVOCATION (Councilmember Livengood)

VI. APPROVAL OF MINUTES (November 15, 2005)

VII. SCHEDULE OF MEETINGS

VIII. PRESENTATIONS

Proclamation:

Sister City Municipality of Huizhou, China delegation -three members on student exchange/cultural visit:

- Mr. Lou Ping, Vice Director of the Huizhou Education Bureau
- Mr. Chen Baisuo, Vice Headmaster of Huizhou No. 8 Middle School
- Mr. Liu Yue, student, No. 8 Middle School

Certificates of Commendation:

- Russell Middle School PeaceBuilders raised over \$5,000 for Hurricane Katrina Relief. Teacher Ms. Maggie Doherty and students will accept for all teams:

Team Megara, 7th grade
Team Corinth, 7th grade
Team Argos, 7th/8th grade
Team Sparta, 8th grade
Team Athens, 8th grade

Certificates of Appreciation:

- LifeScan, Inc., a Johnson & Johnson Company – Accepting is Bill Farwell, Facilities Engineer for LifeScan, and Nancy Noe, representing Johnson & Johnson
- Polycom, Inc. - Accepting is Jeff Rodman, Founder and Chief Technical Officer and Gloria Spanier, Director of Human Services for Polycom, Inc.

IX. CITIZENS FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

X. ANNOUNCEMENTS

XI. ANNOUNCEMENT OF CONFLICT OF INTEREST

XII. APPROVAL OF AGENDA

XIII. CONSENT CALENDAR (Items with Asterisks)

XIV. PUBLIC HEARINGS

1. **Approval of Major Tentative Map Amendment No. TM2005-1 To Modify Conditions of Approval No. 69 (Streetlight Fixtures) and No. 86 (Recycled Water) of the Recently Approved KB Homes Development Located On The East And West Sides Of South Abel Street (Staff Contact: Tom Williams, 586-3280)**

2. **Adopt The 2005 Urban Water Management Plan (Staff Contact, Darryl Wong 586-3345)**

XV. UNFINISHED BUSINESS (NONE)

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor

RA2. Roll Call

- RA3. Approval of Minutes (November 15, 2005)
- RA4. Approval of Agenda and Consent Calendar
- RA5. Receive Progress Report on Library, and Midtown East Parking Garage, Projects No. 8161 and No. 8162 (Staff Contact: Mark Rogge 586-3403)
- RA6. Award Construction Contract for Building Demolition and Hazardous Material Abatement, Projects No. 8154 and No. 8169 (Staff Contact: Mark Rogge 586-3403)
- RA7. Receive Report on County Health Center, Approve the existing Main Street Site for the County Health Clinic and Direct Staff to Prepare a Draft Disposition and Development Agreement (DDA) between the County and the City (Staff Contact: Greg Armendariz, 586-3317 / Diana Whitecar, 586-3059)
- RA8. Receive Progress Report on Implementation of Midtown Specific Plan (Staff Contact: Greg Armendariz, 586-3317)
- *RA9. Acceptance of Milpitas Redevelopment Agency Fiscal Year 2004-2005 Annual Report (Staff Contact: Emma Karlen, 586-3145)
- *RA10. Adopt Resolutions of the City of Milpitas, Milpitas Redevelopment Agency and Milpitas Public Financing Authority Authorizing Investment of Monies in the Local Agency Investment Fund (Staff Contact: Emma Karlen, 586-3145)
- *RA11. Authorize the City Manager to Execute An Agreement Amendment: Harris & Associates, Milpitas Library Off Site Utility Improvements, Project No. 8153 (Staff Contact: Steve Erickson 586-3414)
- *RA12. Authorize the City Manager To Execute Agreement Amendment: BKF Engineers, North Main Street Utility Improvements, Project No. 8153 and Telecommunications Infrastructure, Project 8093 (Staff Contact: Andrew Brozyna, 586-3403)
- RA13. Agency Adjournment

XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

- * 3. Approve Mayor's Appointments To City Commissions (Contact: Mayor Esteves, 586-3029)
- * 4. Request For Donation To Milpitas Xtreme Robotics (Contact: Mayor Esteves, 586-3029)

Bicycle Transportation Advisory Commission

- * 5. Approve Bicycle Transportation Advisory Commission (BTAC) 2006 Work Plan (Staff Contacts: Janice Nadal, 586-3291)

Finance Subcommittee

- 6. Report of Council Finance Subcommittee (Contacts: Vice Mayor Gomez, 586-3031 / Councilmember Giordano, 586-3032)

Parks, Recreation & Cultural Resources Commission

- * 7. Approve Fourteen Family Child Care Assistance Fund Grant Requests (Staff Contact: Toby Librande, 586-3203)

Transportation Subcommittee

- 8. Receive Report on Street Pavement Resurfacing Program, Safe and Clean Streets Program Phase II (Staff Contact: Greg Armendariz, 586-3317)

XVIII. NEW BUSINESS

- 9. Review, Consider and Direct Staff on Revision of the City Urban Service Area Line To Conform To The City Urban Growth Boundary As Required By "Measure T" Approved by the Voters On November 3, 1998, And By Implementing Policy 2.a-I-2.2 Of The Milpitas General Plan (Staff Contact: Tom Williams, 586-3280)
- * 10. Authorize City Manager to Execute Agreement between the City of Milpitas and the County of Santa Clara for Acceptance of State Homeland Security Grant Funds (Staff Contact: Demetrius Kastros, 586-2810)

XIX. ORDINANCES

- 11. Waive First Reading Beyond the Title and Introduce Ordinance No. 23.10 Repealing Title I Chapter 2 of the existing Milpitas Municipal Code on Purchasing and Replacing with new Title I, Chapter 2, Sections 1 through 12 (Staff Contact: Chris Schroeder, 586-3161)
- * 12. Waive Second Reading Beyond the Title and Adopt Ordinance No. 201.4 Revising Milpitas Municipal Code, Chapter 2, Tree and Planting, to Add a Heritage Tree Program, ZT2005-5 (Staff Contact: Dennis Carrington, 586-3275)
- * 13. Waive Second Reading Beyond the Title and Adopt Traffic Ordinance 43.202, an Amendment to the Traffic Code, to Change the Speed Zones Boundaries and Speed Limits on Calaveras Blvd/Road between Sinclair Freeway (I-680) and the City's Easterly City Limits (Staff Contact: Jaime Rodriguez, 586-3335)

XX. RESOLUTIONS

- * 14. Adopt Resolution Granting Initial Acceptance: Athletic Court Rehabilitation, Project No. 5069 - Phase II 2005 (Staff Contact: Doug DeVries, 586-3313)
- * 15. Adopt Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for January 3, 2006, to Hear Objections (Staff Contact: Patti Joki, 586-3370)

XXI. BIDS AND CONTRACTS

- * 16. Approve Agreement For Sale of Waterline Easement from County to City, Project No. 3163 (Staff Contact: Mehdi Khaila, 586-3328)
- * 17. Approve Subdivision Improvement Agreement, Operation and Maintenance Agreement, and Final Map, Public Improvement Plans for KB Home, Tract No. 9698, Project No. 3160 (Staff Contact: Mehdi Khaila, 586-3328)
- * 18. Approve the Purchase of Orthogon Wireless Network Components (Staff Contact: Chris Schroeder, 586-3161)
- * 19. Award the Bid for Security Cameras for the Community Center (Staff Contact: Chris Schroeder, 586-3161)

- * 20. Approve the Purchase of Tropos Network Components (Staff Contact: Chris Schroeder, 586-3161)

XXII. CLAIMS AND DEMANDS

- * 21. Approve Payment Request to One Vendor (Staff Contact: Chris Schroeder, 586-3161)

XXIII. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, DECEMBER 20, 2005, AT 7:00 P.M.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
E-mail: rpioroda@ci.milpitas.ca.gov / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov, select Open Government Ordinance under News Features.

BECOME A CITY COMMISSIONER!

Currently, there are openings on the following Commissions:
Community Advisory Commission
Economic Development Commission (rep. for Hotel Industry)
Recycling and Source Reduction Commission

Applications are available online at www.ci.milpitas.ca.gov or outside the City Council Chambers. Contact the City Clerk's Office (586-3003) for information.

AGENDA REPORTS

XIV. PUBLIC HEARINGS

1. Approval of Major Tentative Map Amendment No. TM2005-1 To Modify Conditions of Approval No. 69 (Streetlight Fixtures) and No. 86 (Recycled Water) of the Recently Approved KB Homes Development Located On The East And West Sides Of South Abel Street (Staff Contact: Tom Williams, 586-3280)

Background: In January 2005, the City Council approved a 683-unit residential KB Homes development on approximately 35 acres that includes small lot detached single-family, townhomes, condominiums, and public park space. Modifications to the Major Tentative Map (MA2003-4) approval are necessary, specifically to Condition of Approval No. 69, which sets forth the design and construction requirements for the public and private improvements, including street lights and Condition of Approval No. 86(a) which requires the use of recycled water in all common areas, streetscape and public parks.

Two of the three new public streets, “A” and “B” Streets (recently named Thompson Avenue and Alvarez Court, respectively) are conditioned to have similar streetscape treatments as Abel Street (street trees and decorative street lights). “C” Street (recently named Machado Street) only required street trees since it only has a sidewalk on the north side and is an access road for the Elmwood Correctional Facility. The City has concluded that the extension of pedestrian-scaled, decorative streetlights are not appropriate for “A” Street. The intent of the condition was to have a continuous streetscape from Abel Street into the new residential development and that objective will not change. However, the location of “A” Street, which runs north to south along the west side of the residential development and terminates at Great Mall Parkway, does not directly connect to Abel Street. In addition, the decorative streetlights are typically used for areas with pedestrian activity and provides an identity and theme for downtown. The pedestrian-scaled lighting does not appear appropriate for “A” Street, which does not envision many pedestrians due to the adjacent uses, future auto dealerships and the Elmwood Correctional Facility and that it is not considered part of the downtown.

At the time of the project review and approval, the City Water Conservation Ordinance (VIII-6-3.00) required that all common areas, public parks and streetscape improvements be designed and constructed to use recycled water. However, subsequent to the project’s approval it was determined that the street tree species identified for the Main and Abel Streetscape Plan in Midtown require water with a lower salt content than that contained in recycled water.

Additionally, staff discovered a similar sensitivity to the historic elm trees in Elm Park in the condominium portion of the development on the East side of Abel Street. Recognizing that an exemption of the recycled water requirement was necessary for all Main and Abel Street trees in the Midtown area and for sensitive cultural resources, staff prepared an amendment to the Water Conservation Ordinance, which the City Council approved on August 16th, 2005 (refer to attached Ordinance No 420.1).

As such, Conditions of Approval Nos. 69 and 86(a) should be amended as reflected in the attached Revised Recommended Conditions of Approval. The Planning Commission reviewed the proposal at their meeting on November 9, 2005 and forwarded a recommendation of approval to the Council.

Recommendation:

1. Open the Public Hearing; receive any written protests and testimony.
2. Close the Public Hearing.
3. Approve Major Tentative Map Amendment No. TM2005-3.

2. Adopt The 2005 Urban Water Management Plan. (Staff Contact, Darryl Wong 586-3345)

Background: The 2005 Urban Water Management Plan (UWMP) has been prepared in response to the California Urban Water Management Planning Act (Act), Water Code Division 6, Part 2.6, Sections 10610 through 10657. The Act requires all publicly and privately owned urban water suppliers to prepare and adopt an UWMP every 5 years. Urban water suppliers are defined in the Act as those who provide water for municipal purposes either directly or indirectly to more than 3,000 customers, or those who supply more than 3,000 acre-feet of water annually. The Act requires that UWMPs describe the suppliers' service area; water use by customer class; water supply and demand; water service reliability and shortage response options; water transfer and exchange opportunities; water recycling efforts; and conservation measures.

In order to satisfy the intent of the legislation, staff recommends adopting the Urban Water Management Plan elements listed below. Total Water Fund expenditure for implementing the recommended water conservation programs is estimated at \$107,900 per year.

Recommended Water Conservation Programs

BMP	Program	Annual Costs, \$
1	Water Survey Programs for Single Family and Multi-Family Residential Customers ♦	\$3,300
2	Residential Plumbing Retrofit ♦	\$2,200
4	Metering with Commodity Rates for All New Connections and Retrofit of Existing Customers	\$0
5	Large Landscape Conservation Programs and Incentives ♦	\$16,500
6	High-Efficiency Washing Machine Rebate Programs ♦	\$2,200
7	Public Information Programs ♦	\$2,200
8	School Education Programs ♦	\$12,200
9	Conservation Programs for Commercial, Industrial, and Institutional (CII) Accounts ♦	\$5,500
10	Wholesale Agency Assistance Program ♦	\$1,100
11	Conservation Pricing	\$0
12	Conservation Coordinator	\$55,000
13	Water Waste Prohibition	\$2,200
14	Residential ULFT Replacement Programs ♦	\$5,500
	TOTAL	\$107,900

♦ Assumes implementation by the SCVWD with assistance from City staff.

Recommendation:

1. Close the public hearing, after hearing any testimony.
2. Adopt Resolution approving the 2005 Urban Water Management Plan.

XV. UNFINISHED BUSINESS (NONE)

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor

RA2. Roll Call

RA3. Approval of Minutes (November 15, 2005)

RA4. Approval of Agenda and Consent Calendar

RA5. Receive Progress Report on Library, and Midtown East Parking Garage, Projects No. 8161 and No. 8162 (Staff Contact: Mark Rogge 586-3403)

Background: The Library Subcommittee met on November 22 and heard a progress report on the Library and Parking Garage. The Library architect, Group 4 Architecture, is beginning the construction documents phase of design. The Parking Garage architect, Chong Partners, is also beginning the construction documents phase of design. Staff will provide a brief presentation on the design progress of these projects.

Recommendation: Note, receive, and file the progress report on the design of the Library and Midtown East Parking Garage.

RA6. Award Construction Contract for Building Demolition and Hazardous Material Abatement, Projects No. 8154 and No. 8169 (Staff Contact: Mark Rogge 586-3403)

Background: The City Council approved the plans and specifications and authorized bidding for the building demolition and hazardous material abatement on September 20, 2005, for the Winsor Blacksmith Shop and other buildings on North Main Street, and on October 18, 2005 for the other buildings on Winsor Street. This area needs to be cleared for construction of the Library and Midtown East Parking Garage.

Plan approval and authorization to bid was done with the anticipation that the sites would be vacated by former tenants by September 30, 2005, and that the City would be able to secure a right-of-entry prior to property possession. The last tenant did not vacate the property by the September 30th date promised in the executed relocation agreement, or by the October 5th court ordered vacation, which was also the date that the City was granted legal possession of the property. The site was vacated on October 24, 2005.

Staff and the consultant worked as quickly as possible to complete the hazardous materials evaluation, revise the plans and specifications, advertise the project, conduct pre-bid meetings and receive bids. Bids are due on December 1, 2005. Since the bid due date is beyond the agenda production date, and in order to expedite the work, staff will present the bid results at the City Council meeting. Staff will recommend that the City Council award the construction contract to the firm that submits the lowest responsive bid. Staff will also state whether or not there are sufficient funds in the project budgets.

In an effort to avoid delays, staff also recommends that the City Council approve a construction contingency of \$25,000. The contingency, or some portion thereof, will only be expended by written authorization through a construction change order. The City Engineer would be authorized to approve construction change orders up to the contingency total, as necessary, and report them after the fact to the City Council. Since this sort of work can be delayed by unknown conditions, the contingency would allow a method to reduce the time necessary (two to three weeks) to place the item on the next City Council agenda.

The project is covered by the North Main Street Development Environmental Impact Report. Mitigation measures pertaining to this project are included in the contract scope where applicable.

Recommendation:

1. Award the construction contract for the Demolition and Hazardous Materials Abatement Projects No. 8154 and No. 8169 to the lowest responsive bidder, at the bid price.
2. Approve an additional construction contingency in the amount of \$25,000, for contract change orders that are subject to approval by the City Engineer, and reported to the City Council after approval.

RA7. Receive Report on County Health Center, Approve the existing Main Street Site for the County Health Clinic and Direct Staff to Prepare a Draft Disposition and Development

Agreement (DDA) between the County and the City (Staff Contact: Greg Armendariz, 586-3317/Diana Whitecar, 586-3059)

Background: On September 6, 2005, Council directed staff to work with the County to develop a plan for a County Health Clinic in Milpitas that would be mutually beneficial, yet not rely on Milpitas financial contribution, due to the current financial position of the City. Staff reviewed vacant commercial buildings for potential conversion, eight (8) vacant parcels and two (2) developed sites.

Commercial building conversion was found to be the most challenging because the County health Center is held to higher State Health building codes than a private health provider such as Kaiser. This is primarily due to the Federal and State funding for reimbursement that requires a higher air quality resulting in extensive ducting between floors to accommodate much higher airflow for a public health center. Staff used the City's commercial vacancy list; several brokerage firms' vacancy lists and also conducted windshield surveys as part of the analysis. There are several one story buildings that could possibly accommodate the health center requirements, but these sites were either not centrally located to serve the projected users, were not on major public transportation routes or were in commercial areas that would not be served by re-zoning to mix public service with industrial, commercial or research and development uses. In addition, the County has extensive design experience with health centers and the current design model does not adapt well to a single-story building. As such, a conversion of a single story building is not the County's preferred option. Based on this criteria, no existing commercial buildings were found, which could be economically converted to a health center.

Included in the Council's packet is a map showing ten additional sites which were reviewed and considered in addition to the existing Main Street site. From this thorough review, only two sites were found to be suitable for recommendation to the City Council and Board of Supervisors. These sites are the existing sites on Main Street and the RDA-owned parcel on Alder Drive.

Main Street Site:

This site is the better of the two locations due to the accessibility by public transportation, is centrally located to potential users and strengthens the North Main Street focus of a public service area. Analysis of census data by County staff indicates that the North Main Street site is located proximate to Milpitas residents that need the County's services most (Seniors 65+, and Children below 5, living at or near poverty level).

The provisions proposed for this site are:

- 60,000 sq. ft. Health Center (3 story building). This condition is unchanged from prior discussion.
- County purchases a one-acre City parcel adjacent to the Senior Housing Project at a cost of \$40 per square foot (approximately \$1.7 million based on the area of the health center). This condition is unchanged from prior discussion.
- County completes design of the Parking Structure West (currently at 60% and constructs facility concurrent with the health center). This is a new condition, where the County is accepting full financial responsibility for the garage construction and design.
- County leases parking garage land from City for \$1 per year for 75-years with option to purchase the land at that time for the amount paid by the City for the land. This is a new condition.
- County owns and maintains parking garage. This condition is new from prior discussions.
- City has beneficial public use of County parking garage during non-clinic hours on weekdays, weekends and holidays. This condition is unchanged from prior discussions.
- City pays for street improvements as part of the Main Street Streetscape. This condition is unchanged from prior discussions.

Alder Drive Site:

This vacant 3.3-acre site owned by Milpitas Redevelopment Agency (RDA) and located at the corner of Alder and Barber Streets. It is adjacent to the light rail station and Park & Ride lot and could accommodate the same Main Street Health Center building design. The site can also accommodate most of the required parking in a ground surface parking lot, and would utilize the existing light rail parking lot for overflow parking. The appraisal value of this parcel is much higher than the Main Street site as its highest and best use is still for commercial development. The County would need to buy this parcel from the Agency at the Agency's original purchase price (\$6.9 million), for this site to be on equal cost basis for the County. The value of this property is now in excess of \$10 million. In addition to the potential loss of revenue based on current value, we would also need to consider the potential loss of other revenues (sales tax or Transient Occupancy Taxes) that would accrue to the Agency. Finally, if this site is used, the Agency will be carrying the North Main Street site that does not offer the same potential for revenue generating uses.

Conclusion:

The County and City staff propose that the existing Main Street site be adopted by the City Council and the Board of Supervisors as the location of the new Milpitas County Health Center. After a thorough review of all available options, this site has been determined to be the most mutually beneficial site for the City, County and residents of Milpitas. Staff will continue efforts on development of the highest and best use for the Alder/Barber Lane RDA parcel.

Recommendation:

1. Approve the existing Main Street site for the location of the new County Health Center.
2. Direct staff to prepare a draft Disposition and Development Agreement between the County and the City for the New Health Center, based on this report and additional comments the Council may provide.

RA8. Receive Progress Report on Implementation of Midtown Specific Plan (Staff Contact: Greg Armendariz, 586-3317)

Background: The implementation of the Midtown Specific Plan originally envisioned as a ten-year plan and is well underway and the majority of the goals may be achieved in the next five years. This plan consisting of several private and public projects are being planned, designed and constructed in accordance with the Council approved Midtown Specific Plan.

The public projects currently funded include:

1. New Milpitas Library
2. Library Parking garage
3. MidPen Senior Housing
4. County Health Center & parking garage
5. Main and Abel Streetscape projects
6. Main Street Utilities projects

In addition, there are several private development projects that are in the planning, design and construction phases, this include:

1. Parc Place – 300 residential units (under construction)
2. KB Homes – 700 residential units (under design and construction)
3. Fairfield – 481 residential units (under design)
4. Baystone Towers – 379 residential units (in planning)
5. Camden Villages – 145 residential units (in planning)
6. Oaksprings Development – 147 residential units (in planning)

Staff will provide a progress report at the council meeting which will include additional information on project schedules, Midtown projects which are not yet funded, construction coordination, and information on remaining infrastructure capacity.

Recommendation: Note, receive, and file progress report on Implementation of Midtown Specific Plan and provide staff with comments

***RA9. Acceptance of Milpitas Redevelopment Agency Fiscal Year 2004-2005 Annual Report (Staff Contact: Emma Karlen, 586-3145)**

Background: Pursuant to the reporting requirements of the Community Redevelopment Law and the Agency's bylaws, the Agency must prepare a report annually to its legislative body within six months of its fiscal year end. Staff has prepared the Fiscal Year 2004-2005 Annual Report to provide the board members of the Agency with an overview of the redevelopment activities and accomplishments for the two project areas. An independent financial audit report was previously accepted by the Agency's Board on November 1, 2005.

Recommendation: Note receipt and file the Milpitas Redevelopment Agency Fiscal Year 2004-2005 Annual Report.

***RA10. Adopt Resolutions of the City of Milpitas, Milpitas Redevelopment Agency and Milpitas Public Financing Authority Authorizing Investment of Monies in the Local Agency Investment Fund (Staff Contact: Emma Karlen, 586-3145)**

Background: The City of Milpitas, Milpitas Redevelopment Agency and Milpitas Public Financing Authority have been participating in the State's Local Agency Investment Fund (LAIF) since 1977. LAIF periodically requests participants to update their investment resolutions. Staff reviewed the existing resolutions of the three entities and determined that these resolutions need to be updated due to administration and personnel changes.

Recommendation: Adopt Resolutions authorizing investment of monies in the Local Agency Investment Fund.

***RA11. Authorize the City Manager to Execute An Agreement Amendment: Harris & Associates, Milpitas Library Off Site Utility Improvements, Project No. 8153, (Staff Contact: Steve Erickson 586-3414)**

Background: On October 7, 2003, City Council awarded a consultant contract to Harris and Associates for mapping survey, and utility engineering services as part of the library pre-design effort for Winsor Street, Weller Lane, and Main Street.

Staff now proposes to amend the Harris and Associates contract to include additional services to coordinate and include revisions for adjacent development, the addition of traffic signal interconnect and fiber optic replacement, and to make revisions to the utility and joint trench plans to accommodate revisions to the library and east parking garage utility designs. Construction support services for review of contractor construction submittals and for the resolution of underground utility conflicts is also included in this amendment. The work is proposed on a time and materials basis with an amount not-to-exceed \$30,000, which is considered reasonable for the work involved. Funds are available in the project budget for this amendment.

Recommendation: Authorize the City Manager to execute the agreement amendment with Harris and Associates in the amount not to exceed \$30,000 subject to approval as to form by the City Attorney.

***RA12. Authorize City Manager To Execute Agreement Amendment: BKF Engineers, North Main Street Utility Improvements, Project No. 8153 and Telecommunications Infrastructure, Project 8093 (Staff Contact: Andrew Brozyna, 586-3403)**

Background: On April 5, 2005, the City Council awarded a consultant contract to BKF Engineers for the design of the North Main Street streetscape project. The City Council recently

approved revising the scope of work for the North Main Street Utilities project to include critical utilities connections, previously identified under various master plans, that would affect Midtown development and the streetscape work.

Staff recommends that BKF Engineers perform these additional design services, which include: a new storm main and outfall to Ford/Wrigley Creek Channel for better storm water management; a new water main connection near Carlo Street under existing railroad tracks, to prevent a pressure deficiency in the future Midtown Area; and a new conduit crossing under State Route 237 near Abel Street, to provide data to and from traffic signals and cameras, as well as internet and other data needs of the City; and associated work.

An agreement amendment is proposed for these additional services. Staff has negotiated a scope and fee for these services not to exceed \$40,000, which is considered reasonable for the work. There are sufficient funds in the project budgets to cover this additional expense.

Recommendation: Authorize the City Manager to execute the agreement amendment with BKF Engineers, in an amount not to exceed \$40,000, subject to approval as to form by the City Attorney.

RA13. Agency Adjournment

XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

*** 3. Approve Mayor's Appointments To City Commissions (Contact: Mayor Esteves, 586-3029)**

Background: The Senior Advisory Commission has four Commissioners whose terms expire in December. Mayor Esteves recommends the following Milpitas residents be re-appointed to the Commission, as noted below.

Senior Advisory Commission

Re-appoint Denny Weisgerber to a 2-year term that expires December 2007.

Re-appoint Joanne Wood to a 2-year term that expires December 2007.

Re-appoint Albert Wang to a 2-year term that expires December 2007.

Re-appoint Mary Banick to a 2-year term that expires December 2007.

Recommendation: Motion to approve the Mayor's Appointments.

*** 4. Request For Donation To Milpitas Xtreme Robotics (Contact: Mayor Esteves, 586-3029)**

Background: The City has received a request from Ceal Craig, Co-Lead Industry Coach of Milpitas Xtreme Robotics, for a donation of \$1,000 to pay their registration fees by December 6 for the FIRST competition for 2006. So far they have raised \$3,000 from donations, but letters and follow up calls have been unsuccessful in raising the additional funds. If the additional funds are not raised, they will not be able to compete.

Funding is proposed from Council's Community Promotion fund, with a current balance of \$5,000.

Recommendation: Approve the \$1,000 donation to Milpitas Xtreme Robotics.

Bicycle Transportation Advisory Commission

*** 5. Approve Bicycle Transportation Advisory Commission (BTAC) 2006 Work Plan (Staff Contact: Janice Nadal, 586-3291)**

Background: At its October 11th 2005 meeting, the City of Milpitas Bicycle Transportation Advisory Commission recommended approval of their 2006 Work Plan to the City Council. This is the first Work Plan prepared for BTAC since they were formed in 1990. The purpose of the work plan is to establish projects and goals for the calendar year. The Work Plan is listed in order of priorities including a detailed budget for each activity. The Traffic Engineering Section would allocate one-half (approximately \$5,000.00) of the estimated costs from its approved 2005/2006 Budget and request City Council to fund the remainder as part of the 2006/2007 Budget approval.

Recommendation: Approve the proposed Bicycle Transportation Advisory Commission Work Plan for the calendar year 2006.

Finance Subcommittee

6. Report of Council Finance Subcommittee (Contact: Vice Mayor Gomez, 586-3031, Councilmember Giordano, 586-3032)

Background: Vice Mayor Gomez will report on recent meeting of the Subcommittee.

Recommendation: Move to receive report and approve the following recommendations of the Finance Subcommittee:

1. Approve the Finance Subcommittee Workplan.
2. Approve the consolidation of the City's single merchant store cards with the Procurement Card (CAL-Card) program.

Parks, Recreation & Cultural Resources Commission

*** 7. Approve Fourteen Family Child Care Assistance Fund Grant Requests (Staff Contact: Toby Librande, 586-3203)**

Background: The purpose of the Family Child Care Assistance Fund is to increase program quality in Milpitas family child care homes. By submitting a grant request to the City, approved Milpitas family child care providers have the opportunity to purchase services and supplies which will create safer and more enriching environments for children. A family child care home is defined as a business, licensed to provide child care services in the provider's primary residence.

The City Council approved \$6000 for the Family Child Care Assistance Fund for FY 2005-2006. All of these funds are currently available for distribution. Per the Policies and Procedures, applicants are eligible for a maximum grant allocation of \$500 with priority funding status being granted to providers caring for children with special needs. The Policies and Procedures are included in the Council's packet.

Fourteen family child care providers submitted applications for funding assistance to be reviewed at the November 7, 2005, Parks, Recreation and Cultural Resources Commission (PRCRC) meeting. Each applicant meets the eligibility requirements and is eligible for full funding. Please see the summary table Family Child Care Assistance Fund Grant Applications Matrix FY 2005/2006 for details regarding each provider's request. Additional details are available by reviewing the grant applications included in the Council's packet.

All fourteen applicants attended the November 7, 2005, Parks, Recreation and Cultural Resources (PRCRC) meeting. At this meeting, the PRCRC reviewed all grant applications and recommended approval of grant funding to the providers in the following denominations:

Chagolla, Elba	\$450
Clanton, Sherry	\$400

Corriea, Phyllis	\$400
Diaz, Francisca	\$450
Ding, Yan	\$400
Egusa, Donna	\$400
Kwok, Sik	\$450
Lagman, Kim	\$400
Ligon, Judy	\$400
Mohammed, Nasreen	\$475
Ruiz, Rosa	\$400
Salim, Fauzia	\$500
Samawi, Samiha	\$400
Tang, Hong	\$475

There is currently a balance of \$6000.00 in the Family Child Care Assistance Fund. Should the grants be approved, all of the funding for the FY 2005/2006 will have been disbursed.

Recommendation: Approve grant funding from the Family Child Care Assistance Fund to the fourteen family child care providers (noted above), as approved by the PRCRC.

Transportation Subcommittee

8. Receive Report on Street Pavement Resurfacing Program - Safe and Clean Streets Program Phase II (Staff Contact: Greg Armendariz, 586-3317)

Background: At the September 29, 2005 Transportation Subcommittee meeting, the Subcommittee reviewed and discussed a staff report on the City's annual Street Pavement Resurfacing Program. This staff report included the following information:

- Milpitas Street System
- Pavement Condition Evaluation Method
- City Comparison against other Santa Clara County Cities
- Annual Street Resurfacing Funding and Expenditures

The Transportation Subcommittee considers the Annual Street Pavement Resurfacing an important element of the Safe and Clean Streets Program. The challenge for this annual pavement resurfacing program is the lack of funding resources, in order for the City to maintain or improve the pavement condition of the street system. The Transportation Subcommittee will be working with staff to insure that the limited available street funds are used on the highest priorities for the Annual Payment Program.

At the request of the Transportation Subcommittee, this staff report will be presented at the Council meeting

Recommendation: Note, receive and file staff report on Street Pavement Resurfacing Program

9. Review, Consider And Direct Staff On The Revision Of The City Urban Service Area Line To Conform To The City Urban Growth Boundary As Required By “Measure T” Approved By The Voters On November 3, 1998, And By Implementing Policy 2.a-I-2.2 Of The Milpitas General Plan (Staff Contact: Tom Williams, 586-3280)

Background: On November 3, 1998, the voters approved “Measure T”, an ordinance approving a general plan amendment to establish an Urban Growth Boundary and requiring that the City proceed with certain related actions. Among these actions required by Measure T was the Implementation of Policy 2.a-I-2.2 of the General Plan as adopted by Resolution No. 6796 that reads as follows:

“Policy 2.a-I-2.2 Not later than 45 days after approval of this General Plan Amendment, the City shall take all necessary actions to apply for and request that the Santa Clara County Local Agency Formation Commission (“SCLAFCO”) relocate the Urban Service Area boundary so that it is coterminous with the Urban Growth Boundary. The City shall take all actions within the scope of its jurisdiction to support and facilitate SCLAFCO’s action regarding the City’s request to relocate the Urban Service Area Boundary.”

The City recently received a request from the County asking if the City intended to annex a 165 acre property located on the south side of Calaveras Blvd. on Uridias Ranch Road, southwest of Ed Levin Park in the eastern hillside area outside of the City’s Urban Growth Boundary. In researching this question, staff found that Measure T prohibits the City from providing services such as water, sewer, storm drain and, roads to property outside the Urban Growth Boundary until 2018. Since the City is prohibited from providing services to this area, annexation is in essence prohibited until 2018. Staff further found that policy 2.a-I-2.2 of the General Plan was never implemented as required by Measure T and by adoption of Resolution No. 6796. As such, we are bringing this item forward to proceed with implementation of the requirements as set forth by Measure T and to bring the City into compliance with Resolution No. 6796.

Recommendation: Review, consider and direct staff on the revision of the City Urban Service Area Line to conform to the City Urban Growth Boundary as required by “Measure T” approved by the voters on November 3, 1998, and to Implement Policy 2.a-I-2.2 of the Milpitas General Plan. Direct staff to immediately move forward with an application to LAFCO for the boundary adjustment to relocate the Urban Service Area Boundary so that it is coterminous with Urban Growth Boundary.

*** 10. Authorize City Manager to Execute Agreement between the City of Milpitas and the County of Santa Clara for Acceptance of State Homeland Security Grant Funds (Staff Contact: Demetrius Kastros, 586-2810)**

Background: The County of Santa Clara (the Operational Area) was again awarded federal grant funds through the Governor's Office of Emergency Services and the California Office of Homeland Security. The funds are distributed from the federal level, to the State Office of Homeland Security, through the Operational Area (County OES) as a central clearinghouse, and finally are distributed to the local jurisdictions. These funds are typically distributed on a per capita basis. This agreement includes two grants: FY 2005 Emergency Management Performance Grant (EMPG), and FY 2005 Citizen Corps Grant. The total amount of \$15,239.07 will be utilized for the development of our CERT (SAFE) program, disaster planning, mitigation, and preparedness, and as an offset to Fire/OES salaries (EMPG). Included in the Council’s packet are copies of the proposed agreement and the budget change form.

Recommendation:

1. Authorize City Manager to execute agreement between Santa Clara County and the City of Milpitas for acceptance of State Homeland Security Grant funds, subject to approval as to form by the City Attorney.
2. Approve budget appropriation in the amount of \$15,239.07 from Santa Clara County to the Fire Department's Office of Emergency Services budget.

XIX. ORDINANCES

11. Waive First Reading Beyond the Title and Introduce Ordinance No. 23.10 Repealing Title I Chapter 2 of the existing Milpitas Municipal Code on Purchasing and Replacing with new Title I, Chapter 2, Sections 1 through 12 (Staff Contact: Chris Schroeder, 586-3161)

Background: In conducting the fiscal year 2005 financial audit, the auditors reviewed the City's Purchase Ordinance, procedures and practice as part of their internal control structure review and made several recommendations to the City.

First, the auditors recommended that the City update its Purchasing Ordinance. The last major update of the Purchasing Ordinance was in 1995. Second, they recommended that the City increase the Council's approval limit to an amount comparable with other similar-sized cities. Third, they recommended that the City bid out and establish blanket purchase orders for small and frequent purchases or services to obtain more favorable pricing.

Staff agreed that by adopting these recommendations, Purchasing staff would be able to operate more effectively and efficiently, in view of the fact that half of the purchase orders that staff processed were for under \$5,000. Cost inflation in the last ten years has eroded purchasing power by at least 35%. Currently, all purchases over \$2,000 must go through the Purchasing Division and be agendized for Council's approval when they are over \$5,000.

Discussion: Purchasing Division has already initiated the bid and establishment of blanket purchases orders for small and frequent purchases to obtain more favorable pricing. Staff has already bid out annualized sidewalk, curb and gutter repairs and targeted to bid office supplies, emergency pipeline repairs and minor building improvements in 2006. Staff will continue to identify opportunities to obtain more favorable pricing by establishing blanket purchase orders.

The proposed Purchasing Ordinance contains two major changes:

1. Increasing the threshold limits for purchase order requirement from \$2,000 to \$5,000, informal bid requirement from \$2,000 to \$5,000, formal bid requirement from \$10,000 to \$20,000, and Council's approval requirement from \$5,000 to \$20,000. These limits are recommended based on a survey conducted by staff, comparing the City's purchasing thresholds with other neighboring cities. The survey is included in the Council's packet for your reference.
2. The passage of Senate Bill (SB) 1106, made comprehensive changes to the Public Contract Code, including mandated procurement requirements of recycled products for local governments. SB 1106 will become effective on January 1, 2006. In anticipation of the new requirements, staff added a "Recycled Product Procurement" section to the proposed purchasing ordinance which includes mandated purchase of recycled products and materials whenever these products, having equal fitness and quality to non-recycled products, are available at the same cost. The City's existing Purchasing Ordinance provides a preference for recycled paper products with a 5% price differential. Staff recommends that the revised Purchasing Ordinance expand the price differential to 10% for all recycled products.

In addition to the two major changes, staff strives to provide a better and more logical flow to the Purchasing Ordinance by revising the headings and organization of contents. Based on the advice of the City Attorney, it will be a lot cleaner to repeal the existing ordinance and introduce the proposed ordinance in its entirety. Other minor changes between the existing and proposed ordinances are identified and discussed in the attached staff memo.

The Finance Subcommittee reviewed and approved the revisions on November 2, 2005 and recommended the proposed Purchasing Ordinance to the City Council for adoption.

Recommendation:

1. Waive first reading beyond the title
 2. Introduce Ordinance 23.10 repealing Title 1, Chapter 2 on Purchasing and Replace with new Title 1, Chapter 2, Sections 1 through 12.
- * 12. **Waive Second Reading beyond the Title and Adopt Ordinance No. 201.4 Revising Milpitas Municipal Code, Chapter 2, Tree and Planting, to Add a Heritage Tree Program, ZT2005-5 (Staff Contact: Dennis Carrington, 586-3275)**

Background: The Community Advisory Commission (CAC) work plan includes a heritage tree program to promote tree protection awareness. Staff has prepared an amendment to the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program.

On October 5, 2005, the CAC recommended that the City Council amend the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program.

On October 12, 2005, the Planning Commission recommended that the City Council amend the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program.

On November 1, 2005, the City Council introduced Ordinance 201.4 amending the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program as shown in the staff report.

On November 15, 2005, the City Council modified Ordinance 201.4, Section 7.01-3, to add language providing for the removal of the heritage tree designation by resolution of the City Council as follows:

“(d) Heritage tree designation may be removed by resolution of the City Council by its own motion, or by recommendation from the Community Advisory Commission upon written request by any person.”

At that meeting, the City Council waived reading beyond the title and re-introduced Ordinance No. 201.4.

DISCUSSION

The amendments would incorporate a new Heritage Tree Program into the existing “Tree and Planting” chapter (X-2) of the Milpitas Municipal Code. The program would increase public awareness of the important contribution of trees to the residents of Milpitas. Please see the November 1, 2005 staff report for the key changes proposed.

Recommendation: Waive reading beyond the title and adopt Ordinance 201.4 amending the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program as re-introduced on November 15, 2005.

- * 13. **Waive Second Reading of the Title and Adopt Traffic Ordinance 43.202: Amendment to the Traffic Code, to Change the Speed Zones Boundaries and Speed Limits on Calaveras Blvd/Road between Sinclair Freeway (I-680) and the City's Easterly City Limits (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: Ordinance 43.202 was initiated by staff upon completion of traffic studies on Calaveras Blvd/Road. The purpose of the ordinance is to reconfigure the speed zone boundary limits and posted speed limits on Calaveras Blvd/Road as follows to be more consistent with existing traffic patterns.

<u>Street</u>	<u>Proposed Speed Zone Segment</u>	<u>Proposed Speed Limit</u>
Calaveras Blvd	Sinclair Freeway (I-680) to Evans Rd-Piedmont Rd	35 MPH
Calaveras Road	Evans Rd-Piedmont Rd to Downing Rd	35 MPH
Calaveras Road	Downing Rd to Easterly City Limits	35 MPH

The first reading of the new ordinance occurred at the November 15, 2005 Council meeting.

Recommendation:

1. Waive second reading beyond the title.
2. Adopt traffic Ordinance No. 43.202.

XX. RESOLUTIONS

- * 14. **Adopt Resolution Granting Initial Acceptance: Athletic Court Rehabilitation, Project No. 5069 - Phase II (2005) (Staff Contact: Doug DeVries, 586-3313)**

Background: This project provided rehabilitation of tennis courts at five parks, and basketball and handball courts at three of the parks. The City Council awarded the project to National Surfacing Company, Inc. on March 1, 2005. The project has been successfully completed, and staff recommends that Council grant an initial acceptance and authorizes the reduction of the contractor's faithful performance bond to 10% of the contract amount or \$64,519.66.

Recommendation:

Adopt resolution granting initial acceptance of the project subject to the one-year warranty period and reduction of the faithful performance bond to \$64,519.66.

- * 15. **Adopt Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for January 3, 2006, to Hear Objections (Staff Contact: Patti Joki, 586-3370)**

Background: The County Agricultural Commissioner notified the City that the County is commencing its annual Weed Abatement Program for the forthcoming season. The County requests a resolution declaring weeds to be a public nuisance and to schedule a public hearing to allow objections to the proposed destruction or removal of weeds. A resolution for this purpose is adopted by the Council each year declaring weeds on specific properties to be a public nuisance and giving property owners an opportunity to appear before the Council. If the resolution is adopted at this meeting, the public hearing will be held the first meeting of the new year on January 3, 2006.

Recommendation: Adopt Resolution declaring weeds on specific properties to be a public nuisance and schedule a public hearing for January 3, 2006.

XXI. BIDS AND CONTRACTS

- * 16. **Approve Agreement For Sale of Waterline Easement from County to City, Project No. 3163 (Staff Contact: Mehdi Khaila, 586-3328)**

Background: At its October 18, 2005 meeting, City Council approved an agreement for the construction of a permanent water system to serve Spring Valley Heights Association (SVHA). The permanent water system will include a waterline and three fire hydrants within Ed Levin Park, Downing Road, Calaveras Road, and Vista Ridge Drive. City staff negotiated an agreement with County of Santa Clara for the necessary waterline easements within Ed Levin Park. The agreement is ready for City Council consideration and approval. Santa Clara County Board of Supervisor is scheduled to consider and approve the subject agreement at its next regularly scheduled meeting. SVHA has consented to the agreement, as they will be required to comply with County's requirements relating to construction of the water system on County's property.

Recommendation: Authorize the City Manager to execute the agreement subject to the approval of the City Attorney as to form.

- * 17. **Approve Subdivision Improvement Agreement, Operation and Maintenance Agreement, and Final Map, Public Improvement Plans for KB Home, Tract No. 9698, Project No. 3160 (Staff Contact: Mehdi Khaila, 586-3328)**

Background: This 104-unit single family and 108-unit multi family residential development will be served by public utilities located within the proposed public street and easements. The final map and improvement plans have been reviewed and are ready for approval. Copies of the Subdivision Improvement Agreement and excerpts of the final map and improvement plans are included with the Council agenda packet. A complete set of the final map and improvement plans are available for review in the office of the City Engineer.

Recommendation:

1. Approve the final map.
2. Authorize City Manager to execute the secured Subdivision Improvement Agreement and Operation and Maintenance Agreement subject to the approval of the City Attorney as to form.

- * 18. **Approve the Purchase of Orthogon Wireless Network Components (Staff Contact: Chris Schroeder, 586-3161)**

Background: The purchase of this equipment will allow the City to establish a wireless voice and data link to the Sports Center. Currently we are using SBC lines, which costs \$330.00 per month and have had continuing reliability problems. Every three to four weeks, the phones go down at the Sports Center, creating an inconvenience for the public. This equipment will provide a faster, more reliable connection and result in a monthly cost savings of \$330.00. The equipment is being purchased through the Monterey County Office of Education "CalSAVE" procurement program, and is sanctioned under Municipal Code Section I-2-5.06 "Purchase Through a Governmental Entity".

(There are sufficient funds in CIP #8093 Telecommunications Infrastructure for this purchase.)

Recommendation: Approve the purchase of the Orthogon Wireless Network components from CDW Government, Inc. for \$18,209.95.

- * 19. **Award the Bid for Security Cameras for the Community Center (Staff Contact: Chris Schroeder, 586-3161)**

Background: On October 10th, 2005 staff went out to bid on a Security Camera system for the Community Center. The Request For Quotation (RFQ) went to fourteen (14) vendors on Purchasing's vendor list, six (6) responded. The following is a recap of the bids received.

<u>Bidder</u>	<u>Base Bid</u>
Network Design	\$14,993.26
Telepath Corp.	15,576.60
WEST Corp.	17,798.22
CSI	21,387.00
AEC Alarms	27,173.78
NetVersant	40,367.31

Alternative bids were allowed and three (3) bidders AEC Alarms, Network Design, and Telepath Corp. did submit alternative bids. However upon analysis, none was found to be as reliable as what the basic specification called for. (There are sufficient funds in CIP #8093 Telecommunications Infrastructure for this purchase.)

Recommendation: Award the bid and authorize the City Manager to execute a contract to furnish and install the Security Cameras at the Community Center to Network Design Communications as the low bidder for the not to exceed amount of \$14,993.26, subject to approval as to form by the City Attorney.

- * 20. **Approve the Purchase of Tropos Network Components (Staff Contact: Chris Schroeder, 586-3161)**

Background: On 10/21/03 the City Council authorized the purchase of equipment from Tropos Networks to expand the City's existing wireless network while significantly reducing our dependency on commercial carriers. The wireless network is essential to the operation of the City's Computer Aided Dispatch system, currently installed in all Police and Fire vehicles. This equipment is to be installed in the remaining 3 Fire Engines, the Police Command Van and a mobile PD unit. This will provide a mobile Public Safety network that can operate in the event of a widespread electrical power outage that impacts the fixed wireless network. Staff is requesting that the equipment be purchased as a sole source procurement as sanctioned in section I-2-5.03-4 of the Milpitas Municipal Code. (Funding is available in CIP #8093 Telecommunications Infrastructure for this purchase.)

Recommendation: Approve the purchase of the Tropos Wireless Network components from Tropos Networks for \$28,338.59.

XXII. CLAIMS AND DEMANDS

- * 21. **Approve Payment Request to One Vendor (Staff Contact: Chris Schroeder, 586-3161)**

Background: In accordance with direction given by City Council at its August 15, 1995 meeting, Purchasing has prepared the following purchasing request over \$5,000.00 for approval:

\$16,086.27 to Target Specialty Products for the purchase of six (6) mini drums of Merit. Merit is an insecticide that is used to provide systemic root treatment for aphids in city street trees. This product is only sold through distributors authorized by the manufacturer, Bayer CropScience, who also sets the price. The price listed represents the best "agency" price available. (Funds are available in the Public Works operating budget for this purchase.)

Recommendation: Approve the payment request.

XXIII. ADJOURNMENT - TO NEXT REGULARLY SCHEDULED COUNCIL MEETING TUESDAY, DECEMBER 20, 2005, AT 7:00 P.M.